

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION Nos.867, 877 to 879 and 1928  
to 1950 of 2000

with

SPECIAL CIVIL APPLICATION No 877 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed : YES  
to see the judgements?
  2. To be referred to the Reporter or not? : YES
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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MISHRA RAKESHKUMAR RAMODBHAI

Versus

STATE OF GUJARAT  
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Appearance:

1. Special Civil Application No. 867 and 1928 to 1950 of 2000  
MR NIRZAR S DESAI for Petitioners  
MR SP HASURKAR for Respondent No. 1, 2, 3, 4, 5, 6
2. Special Civil Application No 877 to 879 of 2000  
MR NIRZAR S DESAI for Petitioners  
RULE SERVED BY DS for Respondent No. 1  
NOTICE SERVED BY DS for Respondent No. 2, 4, 5, 6

CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 24/03/2000

ORAL JUDGEMENT

#. Mr.Y.N.Oza, senior advocate with Mr.Nirzar.S.Desai, learned advocate for the petitioners. Mr.S.P.Hasurkar, learned Additional Govt. Pleader, for all the respondents. Mr.Digant Joshi, Assistant Govt. Pleader for Mr.S.P.Hasurkar.

#. Rule. Mr.Digant Joshi, for Mr.S.P.Hasurkar, waives service of rule. With the consent of the parties, today the matters are taken up for final disposal.

#. All these petitions are filed by the petitioners challenging the action of the respondents whereby the petitioners are sent for training at S.R.P. training centre at Sorath Chowky. The petitioners are either armed police constables or unarmed police constables. It is the case of the petitioners that the petitioners were under training at Police Training School Lal Baug at Vadodara and that they had cleared some parts of the training which is prescribed for the armed police constables and unarmed police constables respectively. It is the case of the petitioners that the training is divided in four parts namely D, C, B and A. The normal period for training for these four parts is eight months and at the interval of two months the trainees are required to pass a particular part of the training and, after they pass one part of the training they have to go for the training of the next part. It is the case of the petitioners that some of them have passed D and C part of the training and some of them have passed D, C and B part of the training. It is also the case of the petitioners that now they are asked to go for a training afresh for all four parts and that to at a training Centre which is meant for training the S.R.P. personnel. The reliefs sought for by the petitioners are that a direction be issued to the respondent to give training to the petitioners only for those particular parts examination for which they have not passed after having taken training of that particular part. The case of the petitioners is that the sending them for training at the Centre ( Sorath Chowky ) and asking them to undergo the training de-novo would cause serious prejudice to them. It is also the case of the petitioners that there is no

justification also for the same. It is also submitted on behalf of the petitioners that sending them for training and asking them to start with the training afresh/de-novo amounts to discrimination amongst other similarly situated candidates who are under going training at various centres in the State or who have already undergone the training, who are not asked to take the training de-novo.

#. An affidavit is filed by the Additional D.G. of Police ( Admn. ) Gujarat State, Ahmedabad wherein the incident which is in the root of this particular case is mentioned in Para 6 which reads as under :-

" looking to the prima facie evidence as to the involvement of the petitioners and looking to their tender age and very initial days of their training in the disciplined force, the department has thought it fit to train the petitioners by sending them to a distant place from their usual residence. I say that separate arrangement has made for the petitioner to train them in unarmed branch at the Police Training Centre Chowkey. I say that the initial training of all branches of SRP, Armed, Unarmed, is same. The drill, dress, parade, weapon, training are the same for all the branches. The training differs only qua more intense training of law and other administration of the unarmed branches and in all other cases there is a rigorous training qua armed training. Physical fitness training is in uniform for all branches."

#. Mr.Oza, submitted that so far as the incident referred to as a root cause of the present proceeding is concerned does not exist any more, and not only that so far as the involvement of the petitioners is concerned the same also does not subsist in as much as only 12 persons, who are found actually guilty are already facing the criminal prosecution and so far as the petitioners are concerned a report under Sec.169 of Cr.P.C. is already filed and therefore it is not correct to say that the petitioners had any involvement in the incident which is referred to. It is also submitted by Mr.Oza that the action of the respondent authority in light of the fact that a report is already filed under Sec.169 of Cr.P.C. is totally unwarranted and therefore the respondent authority shall be directed to allow the petitioners to complete their training from the stage at which their training was intercepted.

#. In the affidavit filed by the respondent referred to hereinabove, it is stated in para 7 in clear terms as under :-

"It is also pertinent to note that on undergoing a training, their salaries, allowances, seniority etc, are not going to be changed. They will continue to enjoy the same seniority, the same salary as they were earlier drawing equal to their batch mates."

It is also stated that;

"For the sake of convenience, for the reasons that the Petitioners have behaved in a very indisciplined manner in their very initial stage of service training, the department thought it fit that these petitioners be put to a distant place from their usual residence so that at least they may not indulge into similar misconduct."

In the same paragraph it is once again reiterate that;

"The petitioner's contentions that there is a difference in training between armed and unarmed force and they cannot be asked to undergo training alongwith the armed branches, is a contention which is misconceived in the fact and law both."

#. Today the same authority has filed a further affidavit wherein certain details are given, which are as under :-

Para 1 to 3 :-

"1. I say that at present as per the information given to me from Principal, S.R.P. Training School, Chockhi, Sorath in all 209 trainee recruits are under going training. I say that 127 Armed Police Constables are taking training out of which there are 12 Armed Trainee Constables, who are petitioners.

2. I further say and submit that 25 Unarmed Police Constable are also taking training in the same School. All these 25 Unarmed Police Constables are the petitioners. I say that there are other 57 SRP Recruits, who are also taking training in the said School.

3. I say that there are 37 trainee recruits, who are transferred to Sorath Chokhi from Baroda PTS. Out of them, 12 are Armed Police Constables and 25 are Unarmed Police Constables. I say that all these petitioners belong to different group so far as training is concerned. Some of them belong to A group, some of them belong to B group and some of them belong to C & D group. For the purpose of administrative convenience, all of them are under going the same training. They will be required to pass only those examinations which they have not cleared so far."

#. In view of these two affidavits and in view of the statement made therein though the petitioners are required to take the training denovo for administrative convenience, the petitioners will not be required to pass the examination, which is held at the end of a particular part of the training, which the petitioners have already passed, the present petitions are required to be disposed as no cause survives. It is for the authorities to decide as to how and where the training should be imparted. If for administrative convenience the authorities have decided to send the petitioners to take training de-novo training at a particular centre the said action does not call for any interference, from this court particularly when the petitioners are not adversely affected by the said decision either in their salary or seniority. It is clear from the affidavit-in-reply that in this case there are valid reasons for the authorities, to do so. As the petitioners were not found involved in the incident, in question, the authorities have rightly taken this lenient approach. Now when the petitioners are not caused any prejudice their prayer that they should be imparted training at a particular Police Training School from the stage their training was intercepted is not required to be entertained.

#. Looking to the facts and circumstances of the case, no relief is required to be granted then the relief which stands granted by the authorities themselves. The petitions are accordingly disposed of. Rule discharged with no order as to costs.

(RAVI R. TRIPATHI, J.)

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